

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Llano Financing Group, LLC,
Plaintiff
v.
Brian Stanley,
Defendant

2:15-cv-02074-JAD-PAL
**Order Granting Motion to Dismiss,
Granting Motion for Entry of Clerk's
Default, and Vacating Hearing**
[ECF 13, 21]

Llano Financing Group, LLC sued real estate appraiser Brian Stanley alleging that he negligently overvalued a property he appraised for Llano in February 2007.¹ Stanley moved to dismiss² and filed counterclaims for abuse of process and civil conspiracy.³

A few days later, on December 22, 2015, Magistrate Judge Leen granted Llano's counsel's second motion to withdraw as Llano's attorney.⁴ Because Llano is a corporation that cannot appear except through counsel, Magistrate Judge Leen gave Llano 30 days to obtain new counsel.⁵ She also warned Llano that, if it failed to timely obtain counsel, its case may be dismissed.⁶ Almost two months later, on February 17, 2016, Stanley moved for entry of clerk's default on his counterclaims.⁷

To date, no new counsel has appeared on Llano's behalf as instructed by this court's December 22, 2015, order, and Llano has not opposed Stanley's motion to dismiss or motion for the

¹ ECF 1.

² ECF 13.

³ ECF 17. Stanley also asserts claims for "alter ego/corporate veil" and "declaratory relief," but these are not stand-alone causes of action.

⁴ ECF 16.

⁵ *Id.* at 1.

⁶ *Id.* at 1–2.

⁷ ECF 21.

1 clerk's entry of default. Under Local Rule 7-2(d), "[t]he failure of an opposing party to file points
2 and authorities in response to any motion shall constitute a consent to the granting of the motion."⁸
3 Because Llano has failed to comply with this court's previous order and does not oppose Stanley's
4 motion to dismiss, I grant Stanley's dismissal motion and dismiss Llano's complaint without
5 prejudice.

6 Stanley served Llano with his amended counterclaims on December 29, 2015—more than
7 two months ago.⁹ A clerk's default is proper "[w]hen a party against whom a judgment for
8 affirmative relief is sought has failed to plead or otherwise defend" the complaint.¹⁰ Llano has not
9 plead or otherwise defend Stanley's counterclaims, so I also grant Stanley's motion for clerk's
10 default.

11 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY ORDERED,
12 ADJUDGED, and DECREED that Stanley's **Motion to Dismiss [ECF 13] is GRANTED**. Llano's
13 complaint is dismissed without prejudice.

14 IT IS FURTHER ORDERED that Stanley's **Motion for Entry of Clerk's Default [ECF 21]**
15 **is GRANTED**. The Clerk of Court is directed to enter default against Llano on Stanley's
16 counterclaims.

17 IT IS FURTHER ORDERED that the hearing set for **March 7, 2016, is VACATED**.

18 Dated this 4th day of March. 2016.

19 
20 Jennifer A. Dorsey
United States District Judge

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26 ⁸ L.R. 7-2(d).

27 ⁹ ECF 18 (Certificate of Service).

28 ¹⁰ FED. R. CIV. P. 55(a).